

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

DATE MAILED: 10/22/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,393	06/13/2001	Ronald A. Katz	6646-114N9	8506
35554 75	590 10/22/2004		EXAMINER	
REENA KUYPER, ESQ.			WOO, STELLA L	
BYARD NILSS 9220 SUNSET	SON, ESQ. BOULEVARD		ART UNIT	PAPER NUMBER
SUITE 315	V		2643	
LOS ANGELE	S, CA 90069		DATE MAH ED 10/00/000	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
•	09/881,393	KATZ, RONALD A.				
Office Action Summary	Examiner	Art Unit				
	Stella L. Woo	2643				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tily within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE.	mely filed ys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
2a) ☐ This action is FINAL . 2b) ☐ This 3) ☐ Since this application is in condition for alloware	-					
Disposition of Claims	•					
4) ☐ Claim(s) 22-29 is/are pending in the application 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 22-29 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/o	wn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Example 11.	epted or b) objected to by the drawing(s) be held in abeyance. Se ion is required if the drawing(s) is ot	e 37 CFR 1.85(a). pjected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal I 6) Other:					

Application/Control Number: 09/881,393

Art Unit: 2643

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 22-23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian Patent No. 1,162,336 (hereinafter "DeBruyn") in view of Szlam et al. (US 4,797,911, hereinafter "Szlam").

Regarding claims 22-23, 26, DeBruyn discloses a method comprising the steps of: receiving caller number identification signals (a caller's telephone number is received and recorded in memory; page 1, lines 26-28; page 3, lines 26-28; page 6, lines 24-26; page 9, lines 5-6);

cuing via a voice generator (telephone reply apparatus 8 prompts a caller for input; page 1, lines 23-29; page 3, lines 24-26; page 4, line 23 – page 5, line 6);

selectively identifying said responsive signals (response signals from callers are identified as lottery entry data, page 5, lines 6-11, or a control signal "0" to erase the caller's entry, page 6, lines 11-14), said responsive signals including signals indicative of a customer identification number (a secret code attributed to each player can be required to access the computer system; page 6, line 28 – page 7, line 2);

testing at least a portion of said customer identification for approval (participation in the lottery may require a secret code; page 6, line 28 – page 7, line 2);

Application/Control Number: 09/881,393

Art Unit: 2643

recording said caller identification signals (the caller's telephone number is stored in memory 9, page 3, lines 26-28, and, if the caller is entitled to participate in the lottery, is later stored in auxiliary memory 10, page 3, line 28 – page 4, line 2; page 5, lines 11-19); and

confirming via the voice generator (data entered by the caller is stored in memory 9 and repeated in spoken form to the caller by converting and confirming apparatus 11; page 4, lines 5-8; page 5, lines 22-26).

DeBruyn differs from claims 22-23, 26 in that it does not provide for the step of transferring calls to at least one live operation station. However, Szlam teaches the desirability of transferring a call to an operator terminal (col. 12, lines 9-66), in which both data entered by the caller (telephone number or account number; col. 13, lines 18-22) and data stored for the caller (customer account information previously stored in the mainframe 16; col. 12, lines 39-42) is displayed upon the screen of the operator terminal (col. 13, lines 22-29). It would have been obvious to an artisan of ordinary skill to incorporate such use of an operator terminal, as taught by Szlam, within the method of DeBruyn in order to provide human assistance as well as to collect more detailed information regarding the caller.

DeBruyn further differs from claims 23, 26 in that although it provides for comparing the caller's telephone number with memory 10 to determine whether the caller's telephone number has already been recorded for the current Lotto game (page 5, lines 11-21; page 3, line 28 – page 4, line 5), it does not specify that the caller's telephone number is received as data entered by the caller. However, Szlam teaches the desirability of receiving a caller's telephone number by prompting the caller to key in this telephone number (col. 13, lines 18-20) in the event ANI is not available (col. 13, lines 1-2) such that it would have been obvious to an artisan of ordinary skill

Application/Control Number: 09/881,393

Art Unit: 2643

to incorporate such prompting and receiving of a telephone number from the caller, as taught by Szlam, within the method of DeBruyn in order to accommodate callers from locations in which ANI is not available.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DeBruyn and Szlam, as applied to claims 22-23 above, and further in view of Entenmann et al. (US 4,996,705, hereinafter "Entenmann").

The combination of DeBruyn and Szlam differs from claim 24 in that it does not specify receiving and testing caller credit card number data. Rather, in DeBruyn, the lottery participation charges are billed to the caller's telephone account (page 6, lines 24-27). However, Entenmann teaches the well known use of a credit card account to pay for participating in a lottery (col. 2, lines 63-65) such that it would have been obvious to an artisan of ordinary skill to incorporate the use of credit card payment, as taught by Entenmann, within the combination of DeBruyn and Szlam in order to provide a caller with an another payment option.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DeBruyn, Szlam and Entenmann, as applied to claim 24 above, and further in view of Stephenson, Jr. et al. (US 3,727,186, hereinafter "Stephenson").

The combination of DeBruyn, Szlam and Entenmann differs from claim 25 in that although it does teach credit card authorization (Entenmann, col. 2, lines 63-65), it does not specify testing against a negative list of credit card numbers. However, Stephenson teaches that it is old and well known in the credit authorization art to test against a negative list (warning file 30) when determining whether or not a credit card number is authorized (col. 5, lines 22-28; col.

Art Unit: 2643

6, lines 30-37) such that it would have been obvious to an artisan of ordinary skill to test against such a negative list, as taught by Stephenson, within the combination of DeBruyn, Szlam and Entenmann so that credit card number can be more quickly verified by checking against a warning file of unauthorized credit card numbers.

5. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of DeBruyn and Szlam, as applied to claim 26 above, and further in view of Barger, Jr. et al. (US 4,071,698, hereinafter "Barger").

The combination of DeBruyn and Szlam differs from claims 27-29 in that although Szlam teaches the automatic display of caller information on the screen of an operator terminal (col. 13, lines 22-29), it does not specify the display at the attended terminal being automatically caused subsequent to a caller entering an invalid or incorrect account number or a specific code to request an operator. However, in Barger, callers whose credit cannot be validated or those determined to be freeloaders or those who key in a specified code requesting operator assistance are automatically connected with an attended terminal 39 (col. 9, lines 42-45; col. 11, lines 34-36; col. 9, lines 38-40) such that it would have been obvious to an artisan of ordinary skill to incorporate such automatic transfer and display at the operator terminal, as taught by Barger, within the combination of DeBruyn and Szlam in order to provide human assistance to a caller automatically when it is determined that assistance is needed.

Response to Arguments

6. Applicant's arguments with respect to claims 22-29 have been considered but are moot in view of the new grounds of rejection.

Art Unit: 2643

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395. The examiner can normally be reached on Monday-Tuesday, Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stella L. Woo Primary Examiner Art Unit 2643